



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 00466-13
23 October 2013

[REDACTED]

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This is in reference to your application for correction of your late husband's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 October 2013. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your late husband's naval record, and applicable statutes, regulations, and policies.

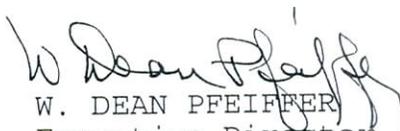
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your late husband enlisted in the Marine Corps and began a period of active duty on 24 September 1979. The Board found that during the period from 6 November 1979 to 4 February 1981, he was convicted by two special courts-martial (SPCM's) of six periods of unauthorized absence (UA), failing to go to his appointed place of duty, and disobedience. Additionally, he received four nonjudicial punishments (NJP's) for failing to go to his appointed place of duty, two instances of disobedience, three periods of UA, breaking restriction, and urinating on another Marine's wall locker, and was convicted by summary court-martial (SCM) of six instances of failing to go to his appointed place of duty, and two instances of UA. As a result of his second SPCM, he was sentenced to a bad conduct discharge (BCD). He received the BCD on 1 September 1981 after appellate review was completed.

The Board, in its review of his record and your application, carefully weighed all potentially mitigating factors, such as his record of service and your desire to upgrade his discharge. Nevertheless, based on the information currently contained in his record, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge given his two SPCM's, four NJP's and conviction by SCM. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director